

AMENDED IN ASSEMBLY MARCH 14, 2006
AMENDED IN ASSEMBLY FEBRUARY 28, 2006
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1870

Introduced by Assembly Member Lieber
(Principal coauthor: Assembly Member Montanez)
(Coauthors: Assembly Members Hancock, Shirley Horton, Jones,
***Koretz, Pavley, and Saldana*)**

January 18, 2006

An act to *amend Section 44021 of, and to add Section 44012.1 to,* the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1870, as amended, Lieber. Air pollution: motor vehicle inspection and maintenance.

~~Existing~~

(1) Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The duty of enforcing and administering the program is vested in the Chief of the Bureau of Automotive Repair within the department. Existing law prohibits the operation of a motor vehicle in a manner that results in the escape of excessive smoke, flame, gas, oil, or fuel residue.

This bill would require the Department of Consumer Affairs to incorporate a ~~visible-smoke~~ *visible smoke* test into the motor vehicle inspection program *by January 1, 2008*, so that ~~the emanation of any~~ visible smoke from ~~a motor vehicle's~~ *the* tailpipe or crankcase *of a motor vehicle* during an inspection would result in a failure of the test.

The bill would except steam resulting from condensation from being considered visible smoke for purposes of this bill. The bill would authorize a motor vehicle owner who disputes the failure of a ~~visible-smoke~~ *visible smoke* test to seek resolution of the matter by contacting the state designated referee.

(2) *Existing law establishes the Inspection and Maintenance Review Committee to analyze the effect of the improved inspection and maintenance program on motor vehicle emissions and air quality, as specified. Existing law requires the review committee to submit periodic written reports to the Legislature and the Governor on the performance of the program, including quantification of the reduction in emissions and improvement in air quality attributed to the program, and make recommendations on program improvements at least every 12 months.*

This bill would require the review committee, on or before July 1, 2010, to include a discussion of the effectiveness of the smoke test component of the inspection and maintenance program in its periodic reports to the Legislature and the Governor, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44012.1 is added to the Health and
2 Safety Code, to read:
3 44012.1. (a) The department shall incorporate a
4 ~~visible-smoke~~ *visible smoke* test into the motor vehicle inspection
5 program by ~~July 1, 2007~~ *January 1, 2008*. Any visible smoke
6 from the tailpipe or crankcase of a motor vehicle during an
7 inspection constitutes a failure. Steam from condensation by
8 itself shall not lead to an inspection failure.
9 (b) If an owner of a motor vehicle disputes the failure of a
10 smoke test, the owner may seek resolution of the dispute from
11 the state designated referee.
12 SEC. 2. *Section 44021 of the Health and Safety Code is*
13 *amended to read:*
14 44021. (a) (1) The Inspection and Maintenance Review
15 Committee is hereby created to analyze the effect of the
16 improved inspection and maintenance program established by
17 this chapter on motor vehicle emissions and air quality. The

1 functions of the review committee shall be advisory in nature and
2 primarily pertain to the gathering, analysis, and evaluation of
3 information.

4 (2) The members of the review committee shall receive no
5 compensation, but shall be reimbursed by the department for
6 their reasonable expenses in performing committee duties. The
7 state board and the department shall provide the review
8 committee with any necessary technical and clerical support in its
9 evaluation and study.

10 (3) (A) The review committee shall consist of 13 members,
11 nine to be appointed by the Governor, two by the Senate
12 Committee on Rules, and two by the Speaker of the Assembly.
13 All members shall be appointed to four-year terms, and the
14 Governor shall appoint from among his or her appointees the
15 chairperson of the review committee.

16 (B) The appointees of the Governor shall include an air
17 pollution control officer from an enhanced program
18 nonattainment area, three public members, an expert in air
19 quality, an economist, a social scientist, a representative of the
20 inspection and maintenance industry, and a representative of
21 stationary source emissions organizations.

22 (C) The appointees of the Senate Committee on Rules shall
23 include an environmental member with expertise in air quality,
24 and a representative from the inspection and maintenance
25 industry.

26 (D) The appointees of the Speaker of the Assembly shall
27 include an environmental member with expertise in air quality,
28 and a representative of a local law enforcement agency charged
29 with prosecuting violations of this chapter in an enhanced
30 program nonattainment area.

31 (4) In preparing its evaluations of program effectiveness as
32 provided in paragraph (1), the review committee shall consult
33 with the Department of the California Highway Patrol, the
34 Department of Motor Vehicles, and any other appropriate
35 agencies, as well as the department and the state board, shall
36 schedule and conduct periodic meetings in the performance of its
37 duties, and shall meet and consult with local, state, and federal
38 officials involved in the evaluation of motor vehicle inspection
39 and maintenance programs. At the request of the committee, the
40 department or the state board may, on behalf of the committee,

1 contract with independent entities to assist in the committee's
2 evaluations.

3 (b) The review committee shall submit periodic written reports
4 to the Legislature and the Governor on the performance of the
5 program and make recommendations on program improvements
6 at least every 12 months. ~~The review committee's reports~~
7 *periodic reports* shall quantify the reduction in emissions and
8 improvement in air quality attributed to the program. *On or*
9 *before July 1, 2010, the review committee shall, in consultation*
10 *with the department and state board, include a discussion of the*
11 *effectiveness of the smoke test component of the inspection and*
12 *maintenance program, including the impact of the smoke test on*
13 *the smog check industry and vehicle owners who fail the test, and*
14 *an estimate of the reduction in particulate emissions, in the*
15 *periodic reports required by this subdivision.* Any reports, other
16 than those required by this section, that the review committee is
17 required to provide pursuant to this chapter shall also be
18 transmitted to the Secretary for Environmental Protection and the
19 Secretary for State and Consumer Services.

20 (c) The review committee shall work closely with all
21 interested parties in preparing the information required by
22 subdivisions (a) and (b) and shall consider the reports provided
23 pursuant to subdivision (e). The review committee shall hold at
24 least one public hearing on its findings and recommendations
25 prior to submitting its reports. The reports shall include statutory
26 language to implement its recommendations, and shall
27 recommend the timeframe for making any changes to the
28 program. The review committee shall seek comments from the
29 department, the Department of Motor Vehicles, the Department
30 of the California Highway Patrol, and the state board prior to
31 submitting its reports, and those comments shall be published as
32 an appendix to the report.

33 (d) The review committee shall participate in the
34 demonstration program authorized by Section 44081.6, as
35 provided by that section.

36 (e) The state board, in cooperation with the department, shall
37 periodically submit reports to the review committee. The reports
38 shall include an assessment of the impact on emissions of
39 continuing the exemption from inspection of motor vehicles
40 newer than five years old; a comparison of the actual mass

1 emission reductions being achieved by the enhanced program to
2 those required by the State Implementation Plan; and
3 recommendations to improve the effectiveness and
4 cost-effectiveness of the program, including specific
5 recommendations addressing any discrepancy between emissions
6 achieved and those in the State Implementation Plan. The first
7 report shall be submitted not later than January 1, 2000, and
8 reports shall be submitted triennially thereafter. In preparing the
9 reports, the state board shall use data collected during inspections
10 and repair, and data collected using roadside measurements, and
11 may conduct additional testing, as determined to be necessary, to
12 accurately quantify the mass emissions reduced.

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